



Corres. and Mail  
**BOX AF**

AF/2879

Response Under 37 C.F.R. § 1.116  
Group Art Unit 2879, Expedited Procedure

03500.005745.38

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application:  
of U.S. Patent No. 5,759,080

Examiner: K. Ramsey

SEISHIRO YOSHIOKA ET AL.

Group Art Unit: 2879

Appln No.: 09/587,249

Filed: June 2, 2000

For: DISPLAY DEVICE WITH  
ELECTRON-EMITTING DEVICE  
WITH ELECTRON-EMITTING  
REGION INSULATED FROM  
ELECTRODES

March 12, 2002

Commissioner for Patents  
**BOX AF**  
Washington, D.C. 20231

RESPONSE TO OFFICE ACTION

Sir:

This paper is being filed in response to the Office Action (Paper No. 11) of February 12, 2002, which set forth a shortened statutory period for reply ending on May 12, 2002.

Claims 1-6, 8, 9, 11, 12, 15, 16, 18-43, 45, and 49-57 remain pending in this reissue application.

Paragraph 1 of the Office Action states that the "reissue oath/declaration

#13  
10/2600 MAIL ROOM  
MAR 15 2002  
RECEIVED 3/15/02

filed with this application is defective because it fails to identify at least one error which is relied upon to support the reissue application”, and cites 37 C.F.R. § 1.175(a)(1) and MPEP § 1414 in support of that statement. Paragraph 2 of the Office Action states that Claims 1-42 are rejected as being based upon a defective reissue declaration under 35 U.S.C. § 251.

Paragraph 5 of the Office Action recites proposed reissue declaration language which, according to the Office Action, apparently would overcome the issues raised in paragraphs 1 and 2 of the Office Action. Without conceding the propriety of those issues, submitted herewith is a Supplemental Reissue Declaration For Reissue Patent Application (37 C.F.R. 1.175) And Power Of Attorney, which has been executed by the inventors. The Supplemental Reissue Declaration includes language substantially the same as that recited in paragraph 5 of the Office Action, and is thus deemed to overcome both of the issues raised in paragraphs 1 and 2 of the Office Action. Accordingly, withdrawal of the rejection based on 35 U.S.C. § 251, and acknowledgment that the submitted Supplemental Reissue Declaration complies with 37 C.F.R. § 1.175(1) and MPEP § 1414 are respectfully requested.

Also submitted herewith for the record are an Assignee Statement Under 37 C.F.R. § 3.73(b) and an Assent Of Assignee To Reissue Under 37 C.F.R. § 1.172, which have been executed by a person empowered to sign on behalf of Assignee.<sup>1</sup> Entry of those

---

<sup>1/</sup> The Assignee Statement and Assent Of Assignee both state that the signatory of those papers is empowered to sign on behalf of Assignee.

papers into the record is respectfully requested.

In view of the foregoing remarks and the submitted Supplemental Reissue Declaration, it is believed that all of the issues expressed in the Office Action have been overcome, and that all of the presently pending claims are in condition for allowance. Accordingly, Applicants respectfully request favorable reconsideration and early passage to issue of the present reissue application. Should the Examiner believe that issues remain outstanding, he is respectfully requested to contact Applicants' undersigned attorney in an effort to resolve such issues and advance the case to issue.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Attorney for Applicants

Registration No. 42,476

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200